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**COURT
ADMINISTRATION
UPDATE**

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**ORDER RE ELECTRONIC DEVICES IN
COURTHOUSES**

- Issued March 9, 2023
- Replaced prior Order dated August 25, 2000
- <https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2777>

ELECTRONIC DEVICE ORDER

WHAT STAYED THE SAME?

- Electronic devices should **always** be in silent mode
- Recording of court proceedings are prohibited except under Rule 605
- Rules for jurors remain the same ([July 20, 2009 Order](#))

CELL PHONE ORDER "POSSESSION" VS. "USE"

- Order speaks in terms of "possession" and "use"
- "Possession" simply means person is allowed to have phone in pocket, purse, jacket, etc.
- "Use" is talking, texting, browsing, etc.

ELECTRONIC DEVICE ORDER AREAS OF THE COURTHOUSE

- "Common Areas" – lobbies, hallways
 - May possess and use
- Clerk's office, including counters/windows/adjacent areas
 - Specifically exempted from "common areas"
 - May possess; may not use
- Immediately Outside Courtroom
 - May possess; may not use
- Courtrooms
 - May possess; may only use if (1) participating in case; and (2) with permission of the presiding judge

ELECTRONIC DEVICE ORDER

- Exempt – court officials and law enforcement acting within official capacity
- Generally Prohibited – taking photos, making audio or video recordings
- Photos/recording/broadcasting in common areas, or in courtrooms when not in session, allowed at discretion of the clerk or judge

ELECTRONIC DEVICE ORDER

- Please post the order on the courthouse door, and on any courtroom doors
- "Violation of the terms of this Order may result in the confiscation of an Electronic Device, and the violator may be held in contempt of court and subject to sanctions. However, mere possession of an Electronic Device, without more, is not sufficient to permit confiscation. If an Electronic Device is confiscated, it must be returned to the owner before the end of normal business hours."

ORDER RE: SERVICE BY EMAIL IN THE TRIAL COURTS

- Allows service by email of filings not required to be personally served (e.g., not the summons and complaint)
 - Between attorneys; OR
 - Between SRL and attorney where both have consented in writing
- Does not appear to allow between SRLs
- <https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2022-05-06-04> (June 4, 2022)

RULE 614, SCACR

- Attorney or party may use "s/ [typed name of person]," a signature stamp, or a scanned or other electronic version of the person's signature, except in cases where an original signature is required by law, such as an affidavit."

ATTORNEY SECURE LEAVE

- Attorney request protection via Attorney Information System (AIS)
- Leave is transmitted to courts via CMS
- Where attorney has received secure leave, and a proceeding is nonetheless scheduled, the attorney should provide certificate to the court – important for municipal courts that are not on CMS
- <https://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2747> (11-16-22)

APPOINTMENT OF INTERPRETERS

- Increased Pay (now \$45/hr for certified qualified interpreters; \$25/hr for otherwise qualified interpreters)
- May receive mileage if interpreter is out-of-county or out-of-state (up to 150 miles)
- <https://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2770> (Foreign Language Interpreters)
- <https://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2769> (Deaf Interpreters)

TRANSLATED FARETTA FORMS

- Faretta warning form has been translated into Spanish and Portuguese
- Currently available on SCCourts.org; will be added to CMS
- Will add more translated forms in the coming months

COVID ORDERS

- CARES Act Form (Rescinded 9-12-22)
- COVID Trial Courts Operations Order (Expired 5-5-22)
- RCT to Conduct Guilty Pleas (Still in effect)
 - Note that this was issued AFTER the RCT Order
- RCT Trial Court Order (Still in effect)
 - Provides for trials / hearings to be conducted via RCT in certain circumstances

THANK YOU!

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